

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

#### AMENDMENT NO. 3814, AS MODIFIED

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that amendment No. 3814, previously agreed to, be modified with a change that is at the desk. This modification is technical in nature, involving only the instruction line of the amendment. It has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 4, after line 12, of the agreed to language of amendment No. 3942, insert the following:

(4) regions of specific concern where United States foreign assistance should be targeted to assist governments in efforts to prevent the use of such regions as terrorist sanctuaries are South Asia, Southeast Asia, West Africa, the Horn of Africa, North and North Central Africa, the Arabian peninsula, Central and Eastern Europe, and South America;

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 3866

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding cloture, the Specter amendment No. 3866 be in order.

The PRESIDING OFFICER. Is there objection? The Senator from Maine.

Ms. COLLINS. Mr. President, as the Senator from Nevada is aware, this amendment is not germane to the underlying bill. We are in a postcloture situation. There are objections on both sides of the aisle to proceeding with this amendment.

Regretfully, I inform the Senator I must object.

The PRESIDING OFFICER. Objection is heard. The Senator from Nevada.

Mr. REID. Mr. President, I am disappointed. However, I understand fully. If the Senator from Maine had the ability to make this in order, the same as last night, it would have been done. This is a complicated bill. But I felt I had to attempt to move forward on this so there will be no misunderstanding as to what took place last night on this matter.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PARDONING POSTHUMOUSLY JOHN ARTHUR "JACK" JOHNSON

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 447, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 447) expressing the sense of the Senate that the President of the United States should exercise his constitutional authority to pardon posthumously John Arthur "Jack" Johnson for Mr. Johnson's racially motivated 1913 conviction that diminished his historic significance and unduly tarnished his reputation.

Mr. REID. Reserving the right to object, I would like to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCAIN. Mr. President, I am pleased that today the Senate will approve a Senate resolution, which I introduced with my colleagues Senators HATCH and KENNEDY, calling on the President to exercise his constitutional authority to pardon posthumously the world's first African-American heavyweight champion, John Arthur "Jack" Johnson, for his racially motivated 1913 conviction.

For those of my colleagues who are not familiar with the plight of Jack Johnson, he is considered by many to be the most dominant athlete in boxing history. Born in the Jim Crow-era South in 1878 to parents who were former slaves, he realized his talent for the sweet science early in life. In order to make a living, Johnson traveled across the country fighting anyone willing to face him. But he was denied repeatedly on purely racial grounds a chance to fight for the world/heavyweight title. For too long, African American fighters were not seen as legitimate contenders for the championship. Fortunately, after years of perseverance, Johnson was finally granted an opportunity in 1908 to fight the then-reigning title holder, Tommy Burns. Johnson handily defeated Burns to become the first African-American heavyweight champion.

Jack Johnson's success in the ring, and sometimes indulgent lifestyle outside of it, fostered resentment among many and raised concerns that Johnson's continued dominance in the ring would somehow disrupt what was then perceived by many as a "racial order." So, a search for a white boxer who could defeat Johnson began—a recruitment effort that was dubbed the search for the "great white hope." That hope arrived in the person of former champion Jim Jeffries who returned from re-

tirement to fight Johnson in 1910. But when Johnson defeated Jeffries, race riots broke out as many sought to avenge the loss.

Following the defeat of the "great white hope," the Federal Government launched an investigation into the legality of Johnson's relationships with white women. The Mann Act, which was enacted in 1910, outlawed the transport of white women across State lines for the purpose of prostitution or debauchery, or for "any other immoral purpose." Using the "any other immoral purpose" clause as a pretext, Federal law enforcement officials set out to "get" Johnson.

On October 18, 1912, he was arrested for transporting his white girlfriend across State lines in violation of the Act. But the charges were dropped when the woman, whose mother had originally tipped off Federal officials, refused to cooperate with authorities. She later married Johnson.

Yet Federal authorities persisted in their persecution of Johnson, persuading a former white girlfriend of Johnson's to testify that he had transported her across State lines. Her testimony resulted in Johnson's conviction in 1913, when he was sentenced to 1 year and a day in Federal prison. During Johnson's appeal, one prosecutor admitted that "Mr. Johnson was perhaps persecuted as an individual, but that it was his misfortune to be the foremost example of the evil in permitting the intermarriage of whites and blacks."

Johnson fled the country to Canada, and then traveled to various European and South American countries, before losing his heavyweight championship title in Cuba in 1915. He returned to the United States in 1920, surrendered to authorities, and served nearly a year in Federal prison. Despite this obvious injustice, Johnson refused to turn his back on the country that betrayed him. During World War II, he traveled the country to promote war bonds. Johnson died in an automobile accident in 1946.

A gross injustice was done to Jack Johnson when a Federal law was misused to send him to prison. The Senate's passage of this resolution and the President's pardon of Jack Johnson would not right this injustice, but it would recognize it, and shed light on the achievements of an athlete who was forced into the shadows of bigotry and prejudice. Taking such actions would allow future generations to grasp fully what Jack Johnson accomplished against great odds and appreciate his contributions to society unencumbered by the taint of his criminal conviction.

Jack Johnson was a flawed individual who was certainly controversial. But he was also a historic American figure, whose life and accomplishments played an instrumental role in our Nation's progress toward true equality under the law. And he deserved much better than a racially motivated conviction,

which denied him of his liberty, and served to diminish his athletic, cultural, and historic significance.

The pardon of Jack Johnson would not be an act that would benefit Mr. Johnson or his heirs. Rather, his pardon would be a nominal but useful corrective of a shameful injustice that would serve as a testament of America's resolve to live up to its noble ideals of justice and equality. Instead of erasing from our memories the injustice that deprived a great athlete of his livelihood and freedom, we have an opportunity to speak as one in condemning the public intolerance and misuse of Federal authority that was perpetrated against this man.

While we know that we cannot possibly right the wrong that was done to Jack Johnson, we can take this small step toward acknowledging his mistreatment and removing the cloud that casts a shadow on his legacy.

I urge adoption of the resolution.

I will mention there is a great American named Ken Burns who may be the foremost maker of documentaries in America. Ken Burns, Mohammad Ali, and many other respected figures throughout America have formed a committee for the pardon of Jack Johnson. I hope we can get it sooner or later.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues in calling for a presidential pardon for Jack Johnson, the first black heavyweight champion in boxing, who was unjustly persecuted in 1913 for being famous, wealthy, powerful—and black.

Jack Johnson was the son of a former slave. He grew up in Galveston in the era of segregation, harsh racial bigotry, and vicious lynching. But Johnson was tough and talented, and he saw a way up. He fought for money in "battle royals," in which groups of black men fought until the last one standing was declared the winner. He turned professional and, at the age of 25, won the Negro heavyweight championship. It was 1903, and boxing was widely and closely followed throughout the Nation.

White fighters didn't fight blacks professionally, but Johnson's popularity grew. He was an innovative boxer and was sometimes ridiculed for his smart and relaxed style, even though it was considered a brilliant style when it was later adopted by white boxers.

With no worlds left to conquer in segregated boxing, Johnson set his sights on challenging white boxers, and sportswriters began to support his challenge. Jim Jeffries, the white heavyweight champion, retired, rather than face Johnson. The title went to Tommy Burns, and a match was finally scheduled. Johnson defeated him easily, and whites immediately began to scour the country for a "great white hope" to win the title. Under intense pressure, Jeffries came out of retirement to face Johnson on the Fourth of July, 1910, in a fight called the "Battle

of the Century." Johnson defeated him easily.

Blacks in cities and towns across the country celebrated and some were attacked and even killed. Race riots erupted in some cities. In 1912, the Justice Department tried to do what no boxer could do at the time, and knock Johnson out. The Justice Department went to vindictive lengths to punish the heavyweight champion of the world because of the color of his skin. The law they chose was the Mann Act, which had been enacted by Congress in 1910, and which made it a crime to transport a woman across state lines "for the purpose of prostitution or debauchery," or for "any other immoral purpose."

Johnson flaunted his boxing success and defined bigotry. He had money and power at a time when the vast majority of blacks were poor and powerless. He was, athletically, the king of the hill, when blacks were regarded as physically inferior to whites. Relationships between a black man and white woman were often deemed "immoral" in those days, but Johnson ignored such views. "I act in my relations with people of other races as if prejudice did not exist," he said.

Johnson's relationships with white women enraged whites, and the Justice Department searched his past for a suitable case and convicted him. Most of the charges were thrown out on appeal, but enough remained to sentence Johnson to one year in prison. At the time, the prosecutor said Johnson may have been persecuted "as an individual" but "it was his misfortune to be the foremost example of the evil in permitting the intermarriage of whites and blacks." Johnson was the embodiment of the hopes of countless blacks, and the prosecutor admitted the conviction was meant to "send a message." Johnson served his one-year sentence, was shunned by the boxing community, and died in 1946.

A pardon now would also send a message—that Johnson deserves his rightful place in sports history and the Nation's history.

Civil rights is still the unfinished business in America. Sadly, generations of Americans whose names we will never know suffered through whole lifetimes of bigotry because of the racism that stained our Nation for so long. Correcting such a major symbol of injustice in the past reminds us of how much we still must do in the future.

I commend Senator MCCAIN for introducing this resolution, and I urge Congress to approve it.

Mr. MCCAIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. 447) was agreed to. The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 447

Whereas, Jack Johnson was a flamboyant, defiant, and controversial figure in American history who challenged racial biases;

Whereas, Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves;

Whereas, Jack Johnson became a professional boxer and traveled throughout the United States fighting white as well as black heavyweights;

Whereas, Jack Johnson, after being denied, on purely racial grounds, the opportunity to fight two white champions was granted an opportunity in 1908 by an Australian promoter to fight the reigning white titleholder, Tommy Burns, whom Johnson defeated to become the first African American to hold the title of Heavyweight Champion of the World;

Whereas, Jack Johnson's victory prompted a search for a white boxer who could beat Johnson, a recruitment effort dubbed the search for the "great white hope";

Whereas, a white former champion named Jim Jeffries left retirement to fight and lose to Jack Johnson in Reno, Nevada, in 1910 in what was deemed the "Battle of the Century";

Whereas, rioting and aggression toward African Americans resulted from Johnson's defeat of Jeffries and led to racially-motivated murders of African Americans nationwide;

Whereas, Jack Johnson's relationship with white women compounded the resentment felt toward him by many whites;

Whereas, between 1901 and 1910, 754 African Americans were lynched, some of whom were lynched simply for being "too familiar" with white women;

Whereas, in 1910 the Congress passed the Mann Act, (18 U.S.C. 2421), then known as the "White Slave Traffic Act," which outlawed the transportation of women in interstate or foreign commerce "for the purpose of prostitution or debauchery, or for any other immoral purpose";

Whereas, in October, 1912, Jack Johnson became involved with a white woman whose mother disapproved of their relationship and sought action from the United States Department of Justice, claiming that Johnson had abducted her daughter;

Whereas, Jack Johnson was arrested on October 18, 1912, by Federal marshals for transporting this woman across State lines for an "immoral purpose" in violation of the Mann Act, only to have the charges dropped when the woman refused to cooperate with authorities and then married the champion;

Whereas, Federal authorities persisted and summoned a white woman named Belle Schreiber who testified that Johnson had transported her across State lines for the purpose of "prostitution and debauchery";

Whereas, Jack Johnson was eventually convicted in 1913 of violating the Mann Act and sentenced to one year and a day in Federal prison, but fled the country to Canada and then on to various European and South American countries, before losing the Heavyweight Championship title to Jess Willard in Cuba in 1915;

Whereas, Jack Johnson returned to the United States in July, 1920, surrendered to authorities, served nearly a year in the Federal penitentiary at Leavenworth, Kansas, and fought subsequent boxing matches, but never regained the Heavyweight Championship title;

Whereas, Jack Johnson served his country during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause;

Whereas, Jack Johnson died in an automobile accident in 1946; and

Whereas, in 1954 Jack Johnson was inducted into the Boxing Hall of Fame: Now, therefore, be it

*Resolved*, That it is the Sense of the Senate that—

(1) Jack Johnson paved the way for African American athletes to participate and succeed in racially-integrated professional sports in the United States;

(2) Jack Johnson was wronged by a racially-motivated conviction prompted by his success in the boxing ring and his relationship with white women;

(3) his criminal conviction unjustly ruined his career and destroyed his reputation; and

(4) the President of the United States should grant a pardon to Jack Johnson posthumously to expunge from the annals of American criminal justice a racially-motivated abuse of the Federal government's prosecutorial authority and in recognition of Mr. Johnson's athletic and cultural contributions to society.

Mr. MCCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate or other business before the Senate, all time be counted as postcloture time on S. 2845; provided further that at 11:30 a.m. on Wednesday, the Senate begin a series of rollcall votes on the pending amendments in the order offered.

I further ask unanimous consent that there be 2 minutes equally divided prior to each vote, with no second-degree amendments in order to the amendments prior to the votes.

I further ask unanimous consent that the voting sequence end at amendment No. 3916.

I further ask unanimous consent that it be in order for the managers, with the concurrence of the two leaders, to send a managers' amendment to the desk prior to passage.

I further ask unanimous consent that following the conclusion of those votes and the expiration of any remaining time under rule XXII, the Senate vote on any qualified amendment to be followed by third reading and a vote on passage of the bill, as amended, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that immediately following passage of S. 2845, the Senate proceed to the consideration of Calendar No. 770, S. Res. 445.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a

period for the transaction of morning business, with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOTICE OF MOTION TO SUSPEND

Mr. MCCONNELL. Mr. President, I wish to file the following amendment and give notice to the Senate that pursuant to rule 5, section 1 of the Standing Rules of the Senate, notice is hereby given of the motion to suspend, modify or amend rule 25 for the purpose of implementing the 9/11 Commissions recommendations related to congressional reorganization.

Mr. President, the world changed on September 11, 2001, and those changes have reached far and wide. Today, we in Congress must change the way we perform our critical role of intelligence and homeland security oversight.

Today, the Senate majority leader, the Senate minority leader, Senator HARRY REID, and myself will file an amendment to a Senate Resolution that takes significant strides toward strengthening our oversight of intelligence and homeland security.

We urge Members to join this discourse and offer those changes and improvements that will enhance the domestic security of the United States. We not only expect a vigorous debate but we hope for such a discourse and urge Members to help improve this initial product.

#### MONGOLIA AND BURMA

Mr. MCCONNELL. Mr. President, as elected representatives, we often get correspondence from people—from our respective States and elsewhere—expressing views and opinions on a whole range of issues.

Occasionally, a letter comes in that deserves to be shared with the entire Senate. I recently received such a letter from Mongolian Prime Minister Elbegdorj Tsakhia, who took power after democratic elections in that country earlier this year.

While some may not pay much attention to Mongolia—it is literally half a world away—it deserves America's thanks and praise. That country serves to remind us that the fundamental pillars upon which our democracy is constructed—individual rights, freedom of the press and religious tolerance—are not Western ideals but universal rights. As Prime Minister Elbegdorj points out, Mongolia enjoys a tradition of democracy and recognizes that it shares a responsibility to support freedom beyond its borders.

Today I want to personally thank Prime Minister Elbegdorj and the people of Mongolia for their country's contributions to the War on Terrorism in Iraq and for their steadfast support of democracy in Asia—and in Burma, in particular. Brave Mongolian soldiers serving in Iraq, and those who champion the cause of democracy closer to home, are a tribute to their country.

While I will include the text of the Prime Minister's letter in the RECORD following my remarks, I want to read one line that rings true:

Having lived under, and fought against, the tyranny of Communism I can assure you of one thing: that no dictatorship, no military regime, no authoritarian government can stand against the collective will of a people determined to be free.

Amen, Mr. Prime Minister.

I encourage you to do all you can to further strengthen democracy in your own country, and to continue to aggressively support Daw Aung San Suu Kyi and the people of Burma in their struggle for freedom.

I ask unanimous consent to print the letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRIME MINISTER OF MONGOLIA,  
September 16, 2004.

Hon. MITCH MCCONNELL,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR MCCONNELL: On August 20, 2004 I was sworn in as Mongolia's new Prime Minister. This election has seen another peaceful transfer of political power in my country. It represents Mongolians' continuing commitment to democracy and human rights.

I have lived in the U.S. for the past several years and during that time I earned degrees at the University of Colorado and Harvard. I also served as a consultant to Radio Free Asia in Washington, D.C. During my time in the U.S., I followed your actions on promoting democracy and human rights in Asia—in particular, Burma. I, like you, believe that Aung San Suu Kyi and her National League for Democracy is the legitimate representative of the Burmese people. The military junta that is ruling Burma can only maintain their power through barbaric acts of terror to instill fear in the people.

Mongolia faces many serious economic and social challenges. After our July elections, our parliament, like your Senate, is a divided chamber. The Mongolian people have made their electoral choices and now it is up to my government to make it work. I believe the true test of any democracy is not just the institutionalization of a process and policies that protect individual liberties, freedom of speech, and religious tolerance at home. It is how those values are shared abroad. There can be no excuse made for Burma's military junta. The Burmese people had an election and chose to embrace freedom and democracy. I believe each country that shares our values must take steps to help achieve the results of the 1990 elections. I look forward to engaging in this effort.

Despite the distance that separates our countries, our shared values bring us close together. As you read this letter, U.S. and Mongolian soldiers stand shoulder-to-shoulder helping to build peace and stability in a new Iraq.

Thank you for your work to support democracy in Burma and throughout Asia. Having lived under, and fought against, the tyranny of Communism I can assure you of one thing: that no dictatorship, no military regime, no authoritarian government can stand against the collective will of a people determined to be free.

Sincerely,

ELBEGDORJ TSAKHIA.